

REMARKS

Claims 1-20 are pending in the present application. Claims 1-4, 6-9, 11-14, and 16-18 are allowed; claims 5, 10, 15, 19, and 20 are rejected. Claims 5, 10, 15, 19, and 20 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, First Paragraph

The examiner has rejected claims 5 and 15 for failing to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph. Claims 5 and 15 have been amended to remove the claim limitation of both a "tape drive" and a "read only random access memory" and the removed claim limitations have been replaced with the limitation of "an adapter." No new matter has been introduced by the amendments to claims 5 and 15 (See subject application, page 15, lines 15-20).

Therefore, the rejection of claims 5 and 15 under 35 U.S.C. § 112, first paragraph, has been overcome, and such a notice is respectfully requested.

II. 35 U.S.C. § 112, Second Paragraph

The examiner has rejected claim 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Particularly, claim 10 was rejected for failing to provide proper antecedent basis for the claim limitation "the logical partitioned data processing system."

Claim 10 has been amended to recite "a logical partitioned data processing system." Thus, amended claim 10 has sufficient antecedent basis for the limitation of "the logical partitioned data processing system" at line 20 of the subject claim.

Therefore the rejection of claim 10 under 35 U.S.C. § 112, second paragraph has been overcome, and such a notice is respectfully requested.

III. 35 U.S.C. § 101

The examiner has rejected claims 19 and 20 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Particularly, claims 19 and 20 have been

rejected as reciting "a computer program product in a computer readable medium" allegedly in non-compliance with 35 U.S.C. § 101.

The preambles of claims 19 and 20 have been amended to recite a "computer-readable medium containing computer-readable instructions which are executable" rather than "a computer program product in a computer readable medium."

Therefore the rejection of claims 19 and 20 under 35 U.S.C. § 101 has been overcome, and such a notice is respectfully requested.

IV. Allowable Subject Matter

Applicants thank Examiner McCarthy for the allowance of claims 1-4, 6-9, 11-14, and 16-18.

Additionally, claims 5, 10, 15, 19, and 20 have been amended, and Applicants submit claims 5, 10, 15, 19, and 20 are now in condition for allowance.

Claim 5 has been amended to comply with the enablement requirement and is dependent from allowed base claim 1. Accordingly, claim 5 is in condition for allowance at least by virtue of its dependence from an allowable base claim. A notice of allowance for claim 5 is respectfully requested.

Claim 10 has been amended to comply with 35 U.S.C. 112. Additionally, claim 10 recites features similar to allowed claim 7. Accordingly, a notice of allowance for claim 10 is respectfully requested.

Claim 15 has been amended to comply with the enablement requirement and is dependent from allowed base claim 11. Accordingly, claim 15 is in condition for allowance at least by virtue of its dependence from an allowable base claim. A notice of allowance for claim 15 is respectfully requested.

Claim 19 has been amended to comply with 35 U.S.C. 101. Additionally, claim 19 recites features similar to allowed claim 1. Accordingly, a notice of allowance for claim 19 is respectfully requested.

Claim 20 has been amended to comply with 35 U.S.C. 101. Additionally, claim 20 recites features similar to allowed claim 7. Accordingly, a notice of allowance for claim 20 is respectfully requested.

V. Conclusion

It is respectfully urged that claims 1-20 of the subject application are patentable and are now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 22, 2004

Respectfully submitted,



Steven T. McDonald
Reg. No. 45,999
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants